

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDDIE SHELBY et al.,

Defendants.

2:05-cr-00222-RCJ-LRL

**ORDER**

A grand jury indicted Defendant Eddie Shelby of three counts each counts of distribution of a controlled substance (methamphetamine) and distribution of a controlled substance (cocaine base). Defendant pled guilty to all six counts pursuant to a plea agreement, and the Court sentence him to six concurrent 148-month terms of imprisonment, to be followed by five years of supervised release. Defendant moved under 18 U.S.C. § 3582(c) to have his sentence reduced via application of retroactive sentencing guidelines that reduce the sentencing ranges for crimes involving certain quantities of cocaine base. The Court denied the motion at a hearing attended telephonically by Defendant, finding him ineligible for a reduction because of his binding plea agreement to a particular length of sentence and his career offender status. Defendant appealed. At the request of the United States, the Court stayed a subsequent identical motion pending the Court of Appeals' ruling on the first motion.

The Court of Appeals has filed an order noting that although Defendant lost his ability to appeal denial of his motion as of right when he filed his notice of appeal more than fourteen days after the judgment of conviction, because he filed the notice of appeal within thirty days of the

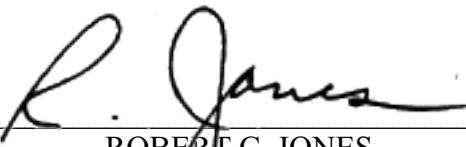
1 expiration of time to do so, this Court must give him notice and an opportunity to be heard as to  
2 whether a discretionary extension should be granted by this Court.

3 **CONCLUSION**

4 IT IS HEREBY ORDERED that Defendant shall file a brief within twenty-one (21) days  
5 of the entry of the present Order into the electronic docket, explaining why there was good cause  
6 for his failure to timely appeal or why the failure was caused by excusable neglect. The United  
7 States shall have fourteen (14) days thereafter to respond, and Defendant shall have fourteen (14)  
8 days thereafter to reply.

9 IT IS SO ORDERED.

10 Dated this 23rd day of May, 2013.

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13 ROBERT C. JONES  
14 United States District Judge  
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